

REMARKS

Petition to Claim Benefit of Earlier Filing:

Applicants previously submitted a Petition to claim the benefit of an earlier filing, however, an incorrect prior patent application was listed. Applicants made reference to a prior application that is a sister application but is not a continuation or continuation-in-part from Applicants' original nucleic acid delivery application as was intended. The Petition requests correction of this mistake and this Amendment substitutes a new first paragraph to incorporate the correct patent applications.

Rejection under 35 USC 102:

Claims 1, 3-6, 8, 13-15 have been rejected under §102(b) as being anticipated by Kumasaka *et al.*

Claims 1, 3-6, 8, 13-16 have been rejected under §102(b) as being anticipated by Graham *et al.*

Claims 1, 3, 4-5, 7, 9, and 13-15 have been rejected under 102(e) as being anticipated by Kay *et al.*

Applicants have filed a Petition to claim the benefit of an earlier filing date. If the Petition is granted, the cited prior art is no longer prior and should be removed as a reference.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1, 3-9 and 13-16 should be allowable.

Respectfully submitted,

/MARK K JOHNSON/

Mark K. Johnson Reg. No. 35,909
Mirus Bio
505 South Rosa Road
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being sent by web-based transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 12/8/2006.

/MARK K JOHNSON/
Mark K Johnson